

REMARKS/ARGUMENTS

Original claims 1, 8-17 and 20 remain in the application.

Claims 2-7, 18-19 and 21-27 have been canceled herein without prejudice in this response.

New claims 28-32 have been added to replace claims canceled in this response.

Claims 1-27 have been rejected.

The Examiner has objected to the drawings "because the cabinet and the controller are indistinguishable in the figures wherein reference numerals 102, 104, 106, 108, 110 and 302 all appear to designate the cabinet." Reference numerals 102, 104, 106, 108 and 110 are intended to refer to complete motor controller assemblies, which includes all internal components and their protective cabinet 302, as illustrated in Figure 1. Reference numeral 302 refers only to the cabinet and its related components as illustrated in Figures 3-8C.

Claims 1-22 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 1, 11, 16, 18 and 20, the Examiner has indicated that there is inconsistency between the language of the preamble and the body of the claim as to whether the cabinet alone is being claimed or the combination of controller and cabinet is being claimed. Claims 11 and 18 have been canceled herein and claims 1, 16 and 20 have been amended to remove the positive recitation of the controller in the claim body, thereby limiting the claims to the cabinet. With respect to claims 3, 14, 19 and 22, the Examiner has indicated that the phrase "disposed adjacent to said first dimple" is indefinite. Claims 3, 19 and 22, have been canceled herein and claim 14 has been amended to indicate that the first opening is "center aligned within said first dimple", as discussed in the second sentence of paragraph 0025, and illustrated in Figures 6 and 7. With respect to claim 17, the Examiner has indicated that the limitation "said plurality of walls" in line 8, does not have antecedent

basis. Claim 17 has been amended to include the restriction “a plurality of walls for enclosing said controller”, as found in original independent claims 1, 11, 16 and 20.

Claims 1, 4 and 20 have been rejected under 35 U.S.C. 102 (b), as being anticipated by Motoki (US 5,124,881). To anticipate, “the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.” (M.P.E.P. 706.02) “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (M.P.E.P. 2131). “The identical invention must be shown in as complete detail as contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (M.P.E.P. 2131) “The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required.” *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (M.P.E.P. 2131). Claim 4 has been canceled in this response. Independent claim 1 has been amended to include elements of claim 7 and independent claim 20 has been amended to include elements of claim 21. The elements of claims 7 and 21 are not taught or suggested by Motoki. Therefore, claims 1 and 20, as amended, are not anticipation by Motoki.

Claim 20 has been rejected under 35 U.S.C. 102 (b), as being anticipated by Rennie et al. (US 5,574,624). Independent claim 20 has been amended to include elements of claim 21, which are not taught or suggested by Rennie et al. Therefore, there is no anticipation by Rennie et al.

Claim 20 has been rejected under 35 U.S.C. 102 (b), as being anticipated by Karnbach et al. (US 5,710,402). Independent claim 20 has been amended to include elements of claim 21, which are not taught or suggested by Karnbach et al. Therefore, there is no anticipation by Karnbach et al.

Claims 1, 5, 6 and 23-26 have been rejected under 35 U.S.C. 102 (b), as being anticipated by Byron et al. (US 5,767,440). Claims 5, 6 and 23-26 have been canceled

and claim 1 has been amended to include elements of claim 7, which are not taught or suggested by Byron et al. Therefore, there is no anticipation by Byron et al.

Claims 7-12, 15-17 and 23-27 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over Rennie et al. (US 5,574,624) in view of McWhirter (US 2,064,439). According to M.P.E.P. 706.2(j) three basic criteria must be met for a *prima facie* obviousness rejection of claims under 35 U.S.C. §103(a). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on the applicants' disclosure. With respect to claim 7, now incorporated into independent claim 1, the Examiner has suggested that McWhirter's element 36 (Fig. 15) is the "first member" of claim 7 and some other element of Fig. 15 is the "second element" of claim 7, which connects the "first member to one of the plurality of walls". McWhirter describes element 36 as a side flange of the doors, 5 and 6 (Col. 2, lines 43-46). Therefore, side flange 36 can not be connected to one of the cabinet sides by the second member as required in claim 7. The Examiner further suggests that McWhirter's channel 22 (Fig. 15) is attached to the door, as required in claim 7. McWhirter's channel 22 is actually part of the flange 18, which is part of the enclosure end wall 2 (Col. 2, lines 47-48). McWhirter does not teach or suggest "a channel attached to said door and extending over said hinge, said channel adapted for receiving an edge of said first member, said member opposite said second member", as defined in claim 7. Therefore, the Examiner's suggested combination of Rennie and McWhirter does not meet the requirements for an obviousness rejection as required in the M.P.E.P. and would not produce the invention as claimed.

With respect to claim 8, the Examiner has suggested that McWhirter's handle 47 (Figures 1, 3 and 4) is the latching mechanism, an unidentified hook in Figure 3 is the

“plurality of latch hooks” and an unidentified strike assembly of Figure 3 is the strike assembly of claim 8. McWhirter’s handle 47 is merely an operator for the rod type latching mechanism shown in dashed lines in Figure 1. Therefore, it does not include “a plurality of latch hooks” as required in claim 8. With respect to the hook and striker assembly, applicants must assume that the Examiner is referring to the hook 46, shown in dashed lines, in figure 3, but is not sure what element the Examiner is suggesting as the striker assembly. Figures 2 and 4 show the hooks 46 mounted on the exterior of end walls 2 and 3. Further, McWhirter describes these hooks as cooperating with staples 45, located on the exterior of the doors, for holding the doors in an OPEN position (Page 2, first column, lines 20-25). Therefore, the hooks 46 and staples 45 of McWhirter can not be used for “securing the door in a closed position” as required in claim 8. Again, the Examiner’s suggested combination of Rennie and McWhirter does not meet the requirements for an obviousness rejection as required in the M.P.E.P. and would not produce the invention as claimed.

With respect to claims 9 and 10, McWhirter does not teach a cabinet and an access panel in which a resilient seal is disposed between a first surface of the access panel and a wall edge of the cabinet bounding the access panel opening. Therefore, claims 9 and 10 define over the combination of Rennie and McWhirter.

With respect to independent claim 11, the same arguments presented above in support of claims 7 and 8 are relevant.

Independent claim 12 has been amended to more precisely define the invention as shown in Figures 4A and 4B of the application and therefore further defines over the access panels 7 and 8 of McWhirter. McWhirter teaches an access panel with inwardly turned panel edges, not outwardly turned panel edges as in amended claim 12. Also, the resilient seal of McWhirter is not disposed between the first surface of the access panel and the inwardly turned wall edge. Therefore, the Examiner’s suggested combination of Rennie and McWhirter does not meet the requirements for an obviousness rejection as required in the M.P.E.P. and would not produce the invention as claimed.

Claims 2, 3, 13, 14, 18, 19, 21 and 22 have been rejected under 35 U.S.C. 103 (a), as being unpatentable over Rennie et al. (US 5,574,624) in view of McWhirter (US 2,064,439) as set forth by the Examiner with respect to claims 7-12, 15-17 and 23-27, and further in view of Cugley et al. (US 5,137,340). The Examiner has suggested that Rennie, as modified by McWhirter, discloses a cabinet basically the same as in claims 2, 3, 13, 14, 18, 19, 21 and 22, except for the dimples, openings and fasteners. As discussed above, the Examiner's suggested combination of Rennie and McWhirter does not meet the M.P.E.P. requirements for an obviousness rejection of claims 2, 3, 13, 14, 18, 19, 21 and 22, and is therefore not a basis for combination with Cugley. Claims 2, 3, 18, 19 and 22 have been canceled in this response and are no longer subject to the Examiner's rejection. The remaining claims directed to the dimples have been amended herein to further define the structural contribution to the cabinet assembly provided by the dimples, as set forth in paragraph 0027 of the present application. The receptor cavities 33 and corresponding projecting connectors (not shown) disclosed by Cugley are intended to "provided a releasible lock to tier the modules of display devices" together (Col. 4, lines 41-56). Cugley does not teach or suggest that his receptor cavities 33 and corresponding projecting connectors should be used in assembling a single module or display device. Cugley does not teach or suggest that they will provide any additional structural strength to the assembled module or display device. Cugley also does not teach or suggest that a fastener should be used with his receptor cavities 33 and corresponding projecting connectors, as the Examiner has suggested. In his rejection the Examiner has stated, "One would have been motivated to make such a modification in view of the suggestion in Cugley et al. that cabinets with first and second dimples all[ow] neighboring cabinets to be releasably locked with one another." This is not the purpose of the dimples of the present invention, therefore, the Examiner's reason for one skilled in the art making the modification will not produce the advantages of invention as claimed. There is no teaching or suggestion in Rennie, McWhirter or Cugley, of a need to increase the structural integrity of a cabinet enclosing electrical equipment subject to arc faults. Therefore, there is no teaching or suggestion in any of the cited prior art, as required in the M.P.E.P., for the Examiner's proposed combination.

In reply to the Office Action dated March 8, 2004, the objections and rejections set forth by the Examiner have been carefully considered. Applicants have amended the drawings and the specification to correct unintentional errors with respect to reference numerals, consistency of terms and to provide a more accurate description of the drawings. Amendments have also been made to the claims to overcome the Examiner's objections and to correct inadvertent errors. Applicants have added new claims 28-32 to replace canceled claims. None of these amendments have added new matter to the application. Applicants have also presented arguments herein to overcome the Examiner's rejections and believe that all pending claims are in condition for allowance. Applicants therefore respectfully request a favorable reconsideration and allowance of this Application.

Respectfully submitted,



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